

A photograph of several bright yellow sunflowers with dark brown centers, growing on green stems with leaves. The background is a clear, solid blue sky. The sunflowers are in various stages of bloom, with some fully open and others as buds.

Air Quality

Advisory Council

June 17, 2020

- Please be patient as we admit attendees to the meeting. The Chair will call the council meeting to order at approximately 9:05pm.
- Please note that public comments will only be accepted at the appropriate time. Please use the “Raise hand” feature to notify the Host of your intent to provide a public comment. You may also email AQDRuleComments@deq.ok.gov in lieu of speaking on the record.
- Additional participation instructions can be found at the meeting link: <https://www.deq.ok.gov/council-meeting-single/?meetingid=MTE1NzA=>

Public Meeting Connection Issues

- If you lose connectivity, please try to reconnect and rejoin the meeting in progress.
- You may also call from your landline or cell phone 1-346-248-7799 or 1-669-900-6833 to join the meeting with audio only. **Meeting ID: 919 5531 2451 Password: 783876**
- To ensure the public is able to listen to the Council's deliberation throughout the meeting, all discussion and questions will be made audibly and the chat features in Zoom will not be used.
- This presentation as well as helpful tips are located on the webpage for this meeting: <https://www.deq.ok.gov/council-meeting-single/?meetingid=MTE1NzA=>.
- If the meeting host becomes disconnected during the meeting, DEQ will attempt for 15 minutes to re-start the meeting. This would require all participants to log back into the meeting. If successful, the meeting would be restarted once quorum was re-established. If unsuccessful, the meeting will be adjourned to a later date and details would be posted on the Council webpage.

**REGULAR MEETING/HEARING AGENDA
AIR QUALITY ADVISORY COUNCIL**

June 17, 2020, 9:00 a.m.

Virtual Meeting

Videoconference and Teleconference Information

Meeting link (will open at 8:30am):

<https://zoom.us/j/96724566337?pwd=aVFEWE9keVdCVXAxV2d5MkNxa3RiQT09>

Meeting ID: **967 2456 6337**

Password: **883000**

Phone: +1 346 248 7799 US (Houston)

Alternative phone: +1 669 900 6833 US (San Jose)

For additional information visit:

<https://www.deq.ok.gov/council-meeting-single/?meetingid=MTE1NzA=>

Or call 405-702-4177

1. **Call to Order** – Laura Lodes, Chair
2. **Roll Call** – Quiana Fields
3. **Approval of Minutes** – January 15, 2020 Regular Meeting
4. **Resolution for Mr. Butcher** – Laura Lodes, Chair



The Air Quality Advisory Council
RESOLUTION

- WHEREAS, Mr. Gerald Butcher was appointed to the Oklahoma Air Quality Advisory Council in 2012; and*
- WHEREAS, Mr. Gerald Butcher was a dedicated member of the Air Quality Advisory Council; and*
- WHEREAS, Mr. Gerald Butcher played an active part in the development of the rules and regulations that were passed by the Air Quality Advisory Council to promote clean air in Oklahoma; and*
- WHEREAS, During his tenure as a member of the Council, this body has met the legislative charter to attain and preserve clean air in Oklahoma; now*
- THEREFORE, Be it resolved that the members of the Oklahoma Air Quality Advisory Council recognize and thank Mr. Gerald Butcher for his years of service toward making Oklahoma a better place to live.*

Signed this day, June 17, 2020

Laura Lodes, Chair
Oklahoma Air Quality Advisory Council

Eddie Terrill, Director
Air Quality Division
Department of Environmental Quality



CERTIFICATE OF APPRECIATION

Gerald Butcher

In recognition of your service as a member
of the

Air Quality Advisory Council

and your efforts to preserve and maintain
clean air in Oklahoma.

Member 2012-2020

Scott A. Thompson

Executive Director

Department of Environmental Quality

June 17, 2020

5. Public Rulemaking Hearing

- A. Chapter 4. Rules of Practice and Procedure**
 - Subchapter 7. Environmental Permit Process**
 - Part 1. The Process**
 - 252:4-7-13. [AMENDED]**
 - Part 3. Air Quality Division Tiers and Time Lines**
 - 252:4-7-32. [AMENDED]**
 - 252:4-7-33. [AMENDED]**

The Department is proposing to amend the air quality portions of Chapter 4, Subchapter 7 to better align the Department's issuance process and public participation procedures for Part 70 source construction and operating permits with the New Source Review permit requirements and Title V operating permit requirements.

1. Presentation –Tom Richardson, P.E., Rules & Planning (R&P) Section, AQD
2. Questions and discussion by the Council
3. Questions, comments and discussion by the public
4. Discussion and possible action by the Council

Overview of Proposed Changes to Air Quality Permitting Rules

Air Quality Advisory Council Meeting
June 17, 2020



Tom Richardson
Rules & Planning Section
Air Quality Division
Oklahoma Department of Environmental Quality

Introduction

Overview of our plans to amend our permitting rules:

- ❖ Background – State Implementation Plan (SIP) backlog
- ❖ Why are we amending our rules?
- ❖ Road map and goals

SIP Backlog and EPA Collaboration



EPA United States Environmental Protection Agency

Environmental Topics Laws & Regulations About EPA Search EPA.gov

CONTACT US SHARE   

Approved Air Quality Implementation Plans in Oklahoma

This site contains information about air quality regulations called State Implementation Plans (SIPs), Federal Implementation Plans (FIPs), and Tribal Implementation Plans (TIPs) approved by EPA within Oklahoma. To find the status of SIP submittals, visit [SIP status reports](#).

Approved SIPs

- [EPA Approved Regulations in the Oklahoma SIP](#)
- [EPA Approved Source-Specific Requirements](#)
- [EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures](#)
- [About SIPs](#)

Approved TIPs

- EPA has not issued any TIPs in Oklahoma
- [About TIPs](#)



Backlog – A State Implementation Plan (SIP) is considered to be in backlog if it has been with EPA > 18 months.

EPA has committed to eliminating the backlog.

During the review of our backlogged SIPs, our SIPs have received active review.

Our **collaboration** with EPA has been productive and fruitful. They have worked with us every step of the way and we expect this will expedite approval of our updated SIP.

Five Commitments to Guide the Process

1. Protect public health and the environment.
2. Comply with federal and state laws and rules.
3. Minimize delays in issuing permits.
4. Offer permit holders maximize flexibility to comply with state and federal requirements while minimizing changes to our program and reducing disruption.
5. Continue to ensure federal enforceability of permitting conditions.

Summary of Issues We Need to Address

Our Prevention of Significant Deterioration (PSD) construction permitting program has been approved and incorporated into our SIP.

Remaining issues to be addressed:

- Public review of the initial Title V permit
- Minor New Source Review (NSR)
- Subchapter 7 minor source operating permits

Initial Title V Operating Permit

“New” term: **Enhanced NSR**

It actually describes the process we have been using for major source construction permits for years.

The 30-day public review and 45-day EPA review are performed for the construction permit.

The specific conditions are added to the Title V operating permit as an administrative amendment.

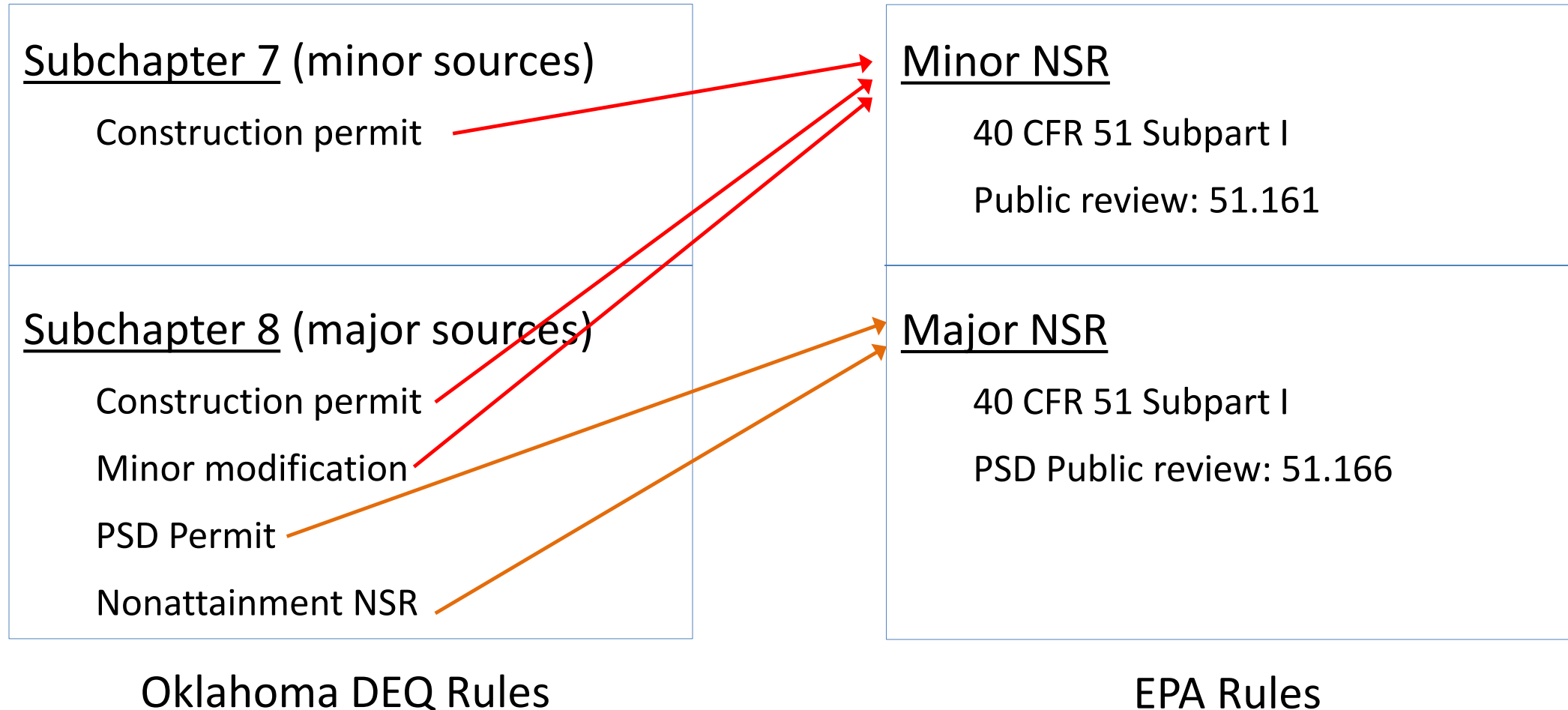


Enhanced NSR is not allowed for the initial Title V operating permit.

This policy is now in effect.

Rule changes codify this policy.

Oklahoma DEQ vs EPA View of NSR



Minor NSR Permits Require Public Review

What will change and what will remain the same?



Major source (Subchapter 8) construction permits



Minor modifications to Title V operating permits



Subchapter 7 individual facility construction permits



General Permits (GPs) and Permits by Rule (PBRs)



Authorizations to construct and operate under GPs and PBRs

Title V minor mods
and individual
minor source
construction permits
will undergo **public
review!**

Federally Enforceable State Operating Permits

Another “New” term: **FESOP**

This term actually describes the minor source operating permits we issue in Subchapter 7. Components of this program are already in the SIP. However, we need formal adoption.

The initial FESOP will require 30-day public review.

Modifications to FESOPs will likely proceed two different ways (discussed on the next slide).

Federally Enforceable State Operating Permits

Another “New” term: **FESOP** (Continued)

Modifications to FESOPs will likely proceed two different ways:

1. To modify the FESOP to incorporate specific conditions from a construction permit that has gone through public review will **not** require a second round of public review.
2. To move from a Title V permit to a synthetic minor permit or to change the method of operation (e.g., to increase a tank throughput limit) increasing emissions without installing new emission units **will** require public review, but **no construction permit**.

New Requirements for Public Review

These changes will require that a number of permits previously exempt from public review will now receive public review.

An initial Title V operating permit will follow the Tier II process.

The permit that is issued to move a facility from a Title V permit to a synthetic minor permit will also be Tier II.

Other permitting actions newly required to undergo public review will do so through a web-based process authorized by EPA.

These new requirements will constitute a modification of our Tier I public review system.

Our Path Forward

The proposed rules we have shared with the Council and our stakeholders are preliminary and we are **not** – and I would like to repeat “**not**” – asking our Council to act on those rules today.

We are requesting comments and feedback so that we may bring a proposal to the Council during the **October meeting** to request approval at that time.

With that, we would like to turn to the specific rule language. Please note that there will be a more detailed set of proposed rule changes coming soon. The changes discussed today are but the first step in the process.

Chapter 4 Changes

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE
SUBCHAPTER 7. ENVIRONMENTAL PERMIT PROCESS
PART 1. THE PROCESS

Please turn in your packets to the proposed amendments to rule text in Chapter 4, Subchapter 7.

This document is available on the web:

[Chapter 4: Rules of Practice and Procedure](#) (Amended Sections)

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE

SUBCHAPTER 7. ENVIRONMENTAL PERMIT PROCESS

PART 1. THE PROCESS

252:4-7-13. Notices

(g) **Additional notice content requirements for Clean Air Act Permits.** In addition to the notice provisions of 27A O.S. §§ 2-14-301, ~~and 2-14-302, and 2-14-304(C).~~ and other provisions of this section, the following requirements apply.

(1) Applicants shall give notice by publication in a newspaper of general circulation in the area where the source is located; to persons on a mailing list developed by the DEQ, including those who request in writing to be on the list; and by other means if determined by the Executive Director to be necessary to assure adequate notice to the affected public.

(2) All published notice(s) for permit modification shall identify the emissions change involved in the modification.

(3) An applicant for a Part 70 permit that may affect the air quality of a neighboring state must give written notice to the environmental regulatory agency of that state. [27A O.S. § 2-5-112(E)]

(4) ~~An A modification of an existing Part 70 source operating permit may be issued to an applicant for a new Part 70 operating permit without further public review if the operating permit modification is based on a construction permit that meets the requirements of 252:4-7-32(b)(1)(B), 252:4-7-32(b)(2)(A) or (B), and the public notice for the construction permit contains the following language.~~

(A) This permit is subject to EPA review, EPA objection, and petition to EPA, as provided by 252:100-8-8 and 40 CFR § 70.8.

(B) If the operating permit as modified has conditions which do not differ from the construction permit's operating conditions in any way considered significant under 252:100-8-7.2(b)(2), the operating permit modification will be issued without further public notice and comment; and,

(C) The public will not receive another opportunity to provide comments when the modified operating permit is issued.

Please note that, in this presentation, much of the rule language *not being changed* has been **omitted**. The complete text of each section is included in the rule text documents included in the packet and on the web.

These changes limit “enhanced NSR” to facilities that already have Title V permits.

(6) In addition to the applicant's obligation to publish notices under 27A O.S. Sections 301, 302, and 304, DEQ shall prepare and provide corresponding notices on the agency's web site for Tier II and III applications. Such notices shall, at a minimum, provide the same information as is provided in the corresponding published notices, which information may be posted in tabular form. For purposes of permits under OAC 252:100-8, Part 7 (PSD), these postings shall constitute the "consistent noticing method" referred to in 40 CFR Section 51.166(q)(2)(iii).

(7) DEQ shall prepare and post on the agency's web site notices of a 30-day opportunity for public comment for draft construction permits and draft construction permit modifications for Tier I applications. Such notices shall, at a minimum, provide information consistent with the requirements of 40 CFR Section 51.161, and may be posted in tabular form with appropriate links to additional information sources. Posting of such notices for other authorizations as listed in OAC 252:4-7-32(c) shall be at the Director's discretion.

EPA requires us to pick one "consistent noticing method" and we are choosing the web for that. Our state statutes on public review also require publication in the newspaper for certain permitting actions. Those are in addition to the EPA requirement. Those will not change.

PART 3. AIR QUALITY DIVISION TIERS AND TIMELINES

252:4-7-32. Air quality applications - Tier I

(b) **Part 70 source permits.** The following air quality authorizations for Part 70 sources require Tier I applications.

(1) **New permits.**

~~(A) New construction permit for an existing Part 70 source for any change considered minor under 252:100-8-7.2(b)(1).~~

~~(B) New operating permit that:~~

~~(i) is based on a construction permit that was processed under Tier II or III, and 252:100-8-8, and~~

~~(ii) has conditions which do not differ from the construction permit's operating conditions in any way considered significant under 252:100-8-7.2(b)(2).~~

New requirements for Tier I public review will be noticed *exclusively* on the web.

The initial Title V permit will undergo Tier II public review.

252:4-7-33. Air quality applications - Tier II

(a) Minor facility permit actions.

(1) Any minor facility seeking a permit for a modification that when completed would turn it into a Part 70 source is required to apply under subsection (b) of this section.

(2) Any Part 70 source seeking a permit that would limit its potential to emit such that when issued it would qualify as a minor facility requires a Tier II application.

(b) Part 70 source permits. The following air quality authorizations for Part 70 sources require Tier II applications.

(1) New permits.

(A) New construction permit for a new Part 70 source not classified under Tier III.

(B) New construction permit for an existing Part 70 source for any change considered significant under 252:100-8-7.2(b)(2) and which is not classified under Tier III.

(C) New operating permit for a Part 70 source ~~that did not have an underlying construction permit processed under Tier II or III, and 252:100-8-8.~~

(D) ~~[Reserved] New operating permit with one or more conditions that differ from the underlying Tier II or III construction permit's operating conditions in a way considered significant under 252:100-8-7.2(b)(2).~~

(E) New acid rain permit that is independent of a Part 70 permit application.

(F) New temporary source permit under 252:100-8-6.2.

A permit issued to move a facility from a Title V operating permit to a synthetic minor operating permit requires Tier II public review.

The initial Title V permit will undergo Tier II public review.

Chapter 4 Changes – Questions and Discussion

That concludes my presentation on our proposed changes to Chapter 4.

Here I would like to reiterate the **staff's recommendation**:

Please feel free to discuss, comment, and suggest changes to the proposed rules, but please postpone consideration of the rule changes until we meet in October.

Questions & Discussion by the Council

- Chapter 4 – Rules of Practice and Procedure
 - Subchapter 7 – Environmental Permit Process

Questions & Comments from the Public

- If you wish to make a comment, click the “Raise Hand” feature on your device or use *9 on your telephone keypad.
- If you do not have a microphone on your device, you will need to call 1-346-248-7799 or 1-669-900-6833. Meeting ID: 919 5531 2451 Password: 783876
- The host will identify you by name or the last four digits of your phone number when it is your turn to speak and then unmute your line.
- You may also have to unmute yourself using the microphone symbol or *6 on your telephone keypad.
- You will have 3 minutes to make a comment related to the rule that was just presented.
- You may also email AQDRuleComments@deq.ok.gov if you wish to make a comment but do not wish to speak or are having technical difficulties.

Discussion & Possible Action by the Council

- Chapter 4 – Rules of Practice and Procedure
 - Subchapter 7 – Environmental Permit Process

B. Chapter 100. Air Pollution Control
Subchapter 8. Permits for Part 70 Sources and Major New Source Review (NSR) Sources
Part 5. Permits for Part 70 Sources
252:100-8-4. [AMENDED]
252:100-8-7.2. [AMENDED]

The Department is proposing to amend permitting requirements in Subchapter 8 to better align the Department's permit requirements and issuance process for Part 70 source construction and operating permits with the New Source Review permit requirements and Title V operating permit requirements.

1. Presentation – Tom Richardson, P.E., R&P Section, AQD
2. Questions and discussion by the Council
3. Questions, comments and discussion by the public
4. Discussion and possible action by the Council

Chapter 100, Subchapter 8 Changes

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL**

**SUBCHAPTER 8. PERMITS FOR PART 70 SOURCES AND MAJOR NEW SOURCE
REVIEW (NSR) SOURCES**

PART 5. PERMITS FOR PART 70 SOURCES

Please turn in your packets to the proposed amendments to rule text in Chapter 100, Subchapter 8.

This document is available on the web:

[Chapter 100: Air Pollution Control](#) (Amended Sections)

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL**

**SUBCHAPTER 8. PERMITS FOR PART 70 SOURCES AND MAJOR NEW SOURCE
REVIEW (NSR) SOURCES**

PART 5. PERMITS FOR PART 70 SOURCES

252:100-8-4. Requirements for construction and operating permits

(a) Construction permits.

(1) **Construction permit required.** No person shall begin actual construction or installation of any new source that will require a Part 70 operating permit without first obtaining a DEQ-issued air quality construction permit under Part 5 of OAC 252:100-8. A construction permit is also required prior to reconstruction of a major affected source under 40 CFR Part 63, reconstruction of a major source if it would then become a major affected source under 40 CFR 63, or for any physical change or change in method of operation that would be a minor modification under OAC 252:100-8-7.2(b)(1) or a significant modification under OAC 252:100-8-7.2(b)(2). In addition to the requirements of this Part, sources subject to Part 7 or Part 9 of this Subchapter must also meet the applicable requirements contained therein.

The first change brings our requirements for a construction permit in line with EPA's definition of New Source Review (NSR).

The second change requires a construction permit for minor modifications involving physical changes or changes in the method of operation resulting in emissions increases.

252:100-8-7.2. Administrative permit amendments and permit modifications

(a) Administrative permit amendments.

(1) An administrative permit amendment:

- (A) Corrects typographical errors;
- (B) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
- (C) Requires more frequent monitoring or reporting by the permittee;
- (D) Allows for a change in ownership or operational control of a source where no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the DEQ;
- (E) Incorporates into ~~the~~ an existing Part 70 source operating permit the requirements from preconstruction review permits issued by the DEQ under this Part.

Only facilities that already have Title V operating permits are eligible for enhanced NSR. The initial Title V permit will be required to undergo Tier II public review.

Chapter 100, Subchapter 8 Changes

That concludes my presentation on our proposed changes to Chapter 100, Subchapter 8.

Here I would like to reiterate the **staff's recommendation**:

Please feel free to discuss, comment, and suggest changes to the proposed rules, but please postpone consideration of the rule changes until we meet in October.

Questions & Discussion by the Council

- Chapter 100 – Air Pollution Control
 - Subchapter 8 – Permits for Part 70 Sources and Major New Source Review (NSR) Sources

Questions & Comments from the Public

- If you wish to make a comment, click the “Raise Hand” feature on your device or use *9 on your telephone keypad.
- If you do not have a microphone on your device, you will need to call 1-346-248-7799 or 1-669-900-6833. Meeting ID: 919 5531 2451 Password: 783876
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- You may also have to unmute yourself using the microphone symbol or *6 on your telephone keypad.
- You will have 3 minutes to make a comment related to the rule that was just presented.
- You may also email AQDRuleComments@deq.ok.gov if you wish to make a comment but do not wish to speak or are having technical difficulties.

Discussion & Possible Action by the Council

- Chapter 100 – Air Pollution Control
 - Subchapter 8 – Permits for Part 70 Sources and Major New Source Review (NSR) Sources

- C. Chapter 110. Lead-Based Paint Management**
 - Subchapter 3. Definitions**
 - 252:110-3-1. [AMENDED]**
 - Subchapter 5. Incorporation by Reference**
 - 252:110-5-1. [AMENDED]**
 - Subchapter 9. Additional Accreditation Requirements**
 - 252:110-9-1.2. [NEW]**
 - Subchapter 11. Additional LBP Certification Requirements**
 - 252:110-11-7.1. [NEW]**
 - Subchapter 13. Additional Work Practice Standards**
 - 252:110-13-7. [NEW]**
 - Subchapter 15. Additional Renovation, Repair, and Painting (RRP) Requirements**
 - 252:110-15-3.1. [NEW]**
 - 252:110-15-4. [AMENDED]**
 - 252:110-15-5. [AMENDED]**

The Department is proposing to amend OAC 252:110, Lead-Based Paint Management, to update incorporations by reference to include provisions to implement the military reciprocity bill (59 O.S. §4100, et seq., Military Service Occupation, Education, and Credentialing Act), to lower dust-lead hazard levels in compliance with recent changes to 40 C.F.R. Part 745, to update clearance levels in order to parallel the U.S. Environmental Protection Agency's dust-lead hazard changes and clearance levels already being used by the U.S. Department of Housing and Urban Development's Office of Healthy Homes and Lead Hazard Control, and to correct minor punctuation and grammar errors. The proposed updates to the dust hazard levels are necessary to maintain EPA approval for Oklahoma's Lead-Based Paint program.

1. Presentation – Brooks Kirlin, P.E, R&P Section, AQD
2. Questions and discussion by the Council
3. Questions, comments and discussion by the public
4. Discussion and possible action by the Council

Proposed Changes to Chapter 110. Lead-Based Paint Management

Air Quality Advisory Council Meeting
June 17, 2020



Brooks Kirlin, P.E.
Rules & Planning Section
Air Quality Division
Oklahoma Department of Environmental Quality

Affected Sections

- SC 3. Definitions
 - 252:110-3-1 Definitions [AMENDED]
- SC 5. Incorporation by Reference
 - 252:110-5-1 Incorporation by Reference [AMENDED]
- SC 9. Additional Accreditation Requirements
 - 252:110-9-1.2 Certification documentation [NEW]
- SC 11. Additional LBP Certification Requirements
 - 252:110-11-7.1 LBP Contractor certification for military personnel and military spouse [NEW]
- SC 13. Additional Work Practice Standards
 - 252:110-13-7 Clearance levels [NEW]
- SC 15. Additional Renovation, Repair, and Painting (RRP) Requirements
 - 252:110-15-3.1 Course content [NEW]
 - 252:110-15-4 Renovator certification requirements [AMENDED]
 - 252:110-15-5 Certification of firms conducting renovation services [AMENDED]

Changes

Significant Changes:

- EPA's Updated Dust-Lead Hazard Levels
 - Incorporate Recent Changes to 40 C.F.R. Part 745.227(h)
 - Add Corresponding Lower Dust-Lead Clearance Levels
- Implement the Military Reciprocity Bill
 - Military Service Occupation, Education, and Credentialing Act
 - 59 O.S. Section 4100, *et seq.*

Additional Changes:

- Update Incorporation by Reference Section
- Language Clarifications, Updates, & Corrections

SUBCHAPTER 5. INCORPORATION BY REFERENCE

252:110-5-1. Incorporation by reference

The following Sections of 40 CFR Part 745, as they exist on ~~August 8, 2011~~ January 6, 2020, are, unless otherwise specified, incorporated by reference in their entirety:

(4) Section 745.227. Work practice standards for conducting lead-based paint activities: target housing and child-occupied facilities, except for the following, which are excluded:

(A) Section 745.227(a)(1), which refers to performance dates.

(B) Section 745.227(e)(4)(vii), which refers to abatement notification means of submittal.

(C) Section 745.227(e)(8)(viii), which refers to clearance levels in dust.

SUBCHAPTER 13. ADDITIONAL WORK PRACTICE STANDARDS

252:110-13-7. Clearance levels

The clearance levels for lead in dust are 10 µg/ft² for floors, 100 µg/ft² for interior window sills, and 100 µg/ft² for window troughs.

Federal LBP Standards

- EPA's Dust-Lead Hazard Levels - 40 C.F.R. §745.227(h)
 - (3) A dust-lead hazard is present in a residential dwelling or child occupied facility:
 - (i) In a residential dwelling on floors and interior window sills when the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window sills are equal to or greater than $10 \mu\text{g}/\text{ft}^2$ for floors and $100 \mu\text{g}/\text{ft}^2$ for interior window sills, respectively; 84 Fed. Reg. 32632. (Jul. 9, 2019)
 - Previously: $\geq 40 \mu\text{g}/\text{ft}^2$ for floors and $\geq 250 \mu\text{g}/\text{ft}^2$ for interior window sills
- EPA's Dust-Lead Clearance Levels - 40 C.F.R. §745.227(e)(8)
 - (viii) The clearance levels for lead in dust are $40 \mu\text{g}/\text{ft}^2$ for floors, $250 \mu\text{g}/\text{ft}^2$ for interior window sills, and $400 \mu\text{g}/\text{ft}^2$ for window troughs.
- HUD's Dust-Lead Clearance Levels -
 - Interior Floors: $< 10 \mu\text{g}/\text{ft}^2$, Window Sills: $< 100 \mu\text{g}/\text{ft}^2$, Window Troughs: $< 100 \mu\text{g}/\text{ft}^2$
 - Office of Lead Hazard Control and Healthy Homes (OLHCHH) Grantee Guidance

SUBCHAPTER 11. ADDITIONAL LBP CERTIFICATION REQUIREMENTS

252:110-11-7.1. LBP Contractor certification for military personnel and military spouses

(a) Submission of application. Every active duty military personnel and their spouse who is certified as a LBP Contractor in another state or territory of the United States, upon receiving orders for military transfer or honorable discharge to the State of Oklahoma, may in advance of actual transfer or discharge submit a completed application to the Department to request a reciprocal certification for their currently held valid certification from another state or territory, so such person may upon entering Oklahoma be authorized to continue their occupation as a certified LBP Contractor without delay.

(b) Certification of individual. The Department shall, upon receipt of an active duty military application submitted as authorized in subsection (a) of this section, and presentation of satisfactory evidence of equivalent training and certification from another state or territory, accept the certification and apply all its training in the manner most favorable toward satisfying the qualifications for issuance of the requested certification in Oklahoma, and shall issue the requested Oklahoma LBP Contractor certification within 30 days provided the certification from the other state is found to be in good standing and reasonably equivalent to the requirements of this state.

(c) Certification timeline. The reciprocal LBP Contractor certification issued pursuant to this section shall be valid for a minimum of one (1) year unless the person is notified by the Department that there is cause for a denial of the application or that certain documentation required by the Department is lacking or unavailable. In such case, a temporary certificate shall be issued to allow the person time to obtain the necessary requirements while continuing to be eligible to work as a LBP Contractor in Oklahoma. Any such applicant receiving a notice of denial of full certification shall have the right to appeal the denial determination as provided in the Administrative Procedures Act or to obtain and submit the documentation required to complete the full LBP Contractor certification requirements in Oklahoma.

(d) Application fee. The Department shall waive the initial application fee for active duty military personnel and their spouse and shall further waive the application fees for the first year of issuance of the reciprocal certification.

SUBCHAPTER 3. DEFINITIONS

252:110-3-1. Definitions

In addition to the definitions contained in OAC 252:110-5-1(1) and the Oklahoma Lead-based Paint Management Act, 27A O.S., Sec. 2-12-101 *et seq.*, the following words and terms, when used in this Chapter shall have the following meaning, unless otherwise indicated.

"Business day" means Monday through Friday, 8:00 a.m. to 4:30 p.m., with the exception of State holidays.

"HUD procedures" means the Housing and Urban Development's *Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing* (~~June 1995 and revised in October 1997~~) (2012 Edition).

SUBCHAPTER 5. INCORPORATION BY REFERENCE

252:110-5-1. Incorporation by reference

The following Sections of 40 CFR Part 745, as they exist on ~~August 8, 2011~~ January 6, 2020, are, unless otherwise specified, incorporated by reference in their entirety:

- (1) Section 745.223. Definitions, except the definitions of "~~Interim certification~~", "Business day," "Interim certification," and "Training provider."
- (2) Section 745.225. Accreditation of training programs: target housing and child-occupied facilities, except for the following, which are excluded:
 - (A) Section 745.225(a)(2), which refers to application dates.
 - (B) Section 745.225(a)(3), which refers to accreditation deadlines.
 - (C) Section 745.225(b)(3), which refers to accredited training courses.
 - (D) Section 745.225(c)(8)(iv), which refers to interim certification.
 - (E) Section 745.225(c)(13)(vi), which refers to course notification means of submittal.
 - (F) ~~(D)~~ Section 745.225(c)(14)(iii), which refers to course notification means of submittal.
 - (G) ~~(E)~~ Section 745.225(e)(5), which refers to training programs offering only refresher training courses.
 - (H) ~~(G)~~ Section 745.225(f)(1), which refers to timelines for renewal accreditation of training programs.
 - (I) ~~(H)~~ Section 745.225(f)(2), which refers to renewal accreditation deadlines.

252:110-5-1. Incorporation by reference

(3) Section 745.226. Certification of individuals and firms engaged in lead-based paint activities: target housing and child-occupied facilities, except for the following, which are excluded:

- (A) Section 745.226(a)(2)₂ which refers to application dates.
- (B) Section 745.226(a)(5)₂ which refers to enforcement dates.
- (C) Section 745.226(b)(4)₂ which refers to interim certification.
- (D) Section 745.226(c)(3)₂ which refers to interim certification.
- (E) Section 745.226(d)₂ which refers to certification based on prior training.
- (F) Section 745.226(e)₂ which refers to re-certification.
- (G) Section 745.226(f)₂ which refers to certification of firms.

(4) Section 745.227. Work practice standards for conducting lead-based paint activities: target housing and child-occupied facilities, except for the following, which are excluded:

- (A) Section 745.227(a)(1)₂ which refers to performance dates.
- (B) Section 745.227(e)(4)(vii)₂ which refers to abatement notification means of submittal.
- (C) Section 745.227(e)(8)(viii), which refers to clearance levels in dust.

- (5) Section 745.233. Lead-based paint activities requirements.
- (6) Section 745.61. Scope and applicability.
- (7) Section 745.63. Definitions.
- (8) Section 745.65. Lead-based paint hazards.
- (9) Section 745.82. Applicability.
- (10) Section 745.83. Definitions.
- (11) Section 745.84. Information distribution requirements.
- (12) Section 745.85. Work practice standards.
- (13) Section 745.86. Recordkeeping and reporting requirements.
- (14) Section 745.87. Enforcement and inspections.
- (15) Section 745.88. Recognized test kits.
- (16) Section 745.89. Firm certification.
- (17) Section 745.90. Renovator certification and dust sampling technician certification.
- (18) Section 745.91. Suspending, revoking, or modifying an individual's or firm's certification.

SUBCHAPTER 9. ADDITIONAL ACCREDITATION REQUIREMENTS

252:110-9-1.2. Certification documentation

For all initial courses, the course completion certificates shall include an expiration date of six (6) months from date of course completion for application purposes.

SUBCHAPTER 15. ADDITIONAL RENOVATION, REPAIR, AND PAINTING (RRP) REQUIREMENTS

252:110-15-3.1. Course content

In addition to the training requirements contained in OAC 252:110-5-1, all training courses and the corresponding refreshers must contain hands-on training activities and review of OAC 252:110, Oklahoma Lead-Based Paint Management.

252:110-15-4. Renovator certification requirements

(a) **Certifications.** ~~Certification is required for all individuals who perform or offer to perform renovation services in target housing and child-occupied facilities. Every renovation firm that is certified pursuant to OAC 252:110-15-5 is required to have at least one (1) certified renovator. As set forth in 40 CFR Section 745.90 and incorporated by reference in 252:110-5-1(17), a certified renovator must be on site during certain times and is responsible for supervising and training other individuals on the work site.~~ Certification is obtained through the Department accredited training provider.

~~(b) **Other state or EPA individual certification.** Any individual renovator who holds a current and valid certification issued by EPA or another state must obtain certification from the Department upon expiration of their current certification. Renovators who have not previously been certified must be certified by the Department accredited training course within six (6) months of EPA delegation approval.~~

~~(b) (c) **Certification documentation.** Upon initial authorization, a A course completion certificate will be issued to the holder by the accredited training facility. Those holding certificates shall carry the certificates as proof of current certification.~~

~~(c) (d) **Frequency of renewal.** Renovator certification must be renewed five (5) years from the date of issuance through successful completion of an accredited refresher training course, and every five (5) years thereafter. Certifications not renewed within 30 days will be considered expired. If the individual does not complete a refresher course by 30 days after expiration, the individual must re-take the initial course to become certified again.~~

~~(d) (e) **Failure to become certified.** No person shall advertise or otherwise present themselves as a certified renovator or perform or offer to perform renovation services in target housing and child-occupied facilities prior to becoming certified as such by the Department.~~

~~(e) (d) **Waiting period for reapplication after certification has been revoked.** A renovator whose certification has been revoked must wait one (1) year from the date of revocation to make reapplication for certification.~~

252:110-15-5. Certification of firms conducting renovation services

~~(a)~~ **Firm certifications.** Upon EPA delegation approval, firm certification is Renovation firms are required for any company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity; federal, State, Tribal, or local government agency; or nonprofit organization that offers to become certified prior to performing or offering to perform renovation services.

~~(b)~~ **Other state or EPA firm certification.** Any renovation firm that holds a current and valid certification issued by EPA or another state must obtain certification from the Department within six (6) months of EPA delegation approval.

~~(c)~~ **Applications.** Applications for firm certification are available from the Department upon request and will be accepted in approved formats.

~~(c)~~ ~~(d)~~ **Fees.** Nonrefundable fees are payable at the time an application or other notice associated with a fee is filed with the Department. Firms previously certified by EPA will be allowed an initial fee waiver by the Department until expiration of their current certification.

~~(d)~~ ~~(e)~~ **Certification documentation.** Upon firm application approval, a firm certificate will be issued by the Department.

~~(e)~~ ~~(f)~~ **Records maintenance.** The firm shall maintain all records pursuant to the requirements established in this Chapter.

~~(f)~~ ~~(g)~~ **Frequency of renewal.** Firm certification must be renewed five (5) years from the date of issuance, and every five (5) years thereafter. Certifications not renewed within 30 days will be considered expired.

~~(g)~~ ~~(h)~~ **Failure to certify a firm.** No firm shall advertise or otherwise present itself as a certified renovation firm or perform or offer to perform renovation services in target housing and child-occupied facilities prior to becoming certified as such by the Department.

~~(h)~~ ~~(i)~~ **Waiting period for reapplication after certification has been revoked.** A firm whose certification has been revoked must wait one (1) year from the date of revocation to make reapplication for certification.

252:110-15-4. Renovator certification requirements

(f) Military personnel and military spouse reciprocity.

(1) Submission of application. Every active duty military personnel and their spouse who is a certified renovator in another state or territory of the United States, upon receiving orders for military transfer or honorable discharge to the State of Oklahoma, may in advance of actual transfer or discharge submit a completed application to the Department to request a reciprocal certification for their currently held valid certification from another state or territory, so such person may upon entering Oklahoma be authorized to continue their occupation as a certified renovator without delay.

(2) Certification timeline. Active duty military personnel and their spouses acting as the certified renovator shall also successfully complete the initial renovator certification course through the Department accredited training provider five (5) years after the issuance date of the certificate they held at the time of their transfer or discharge to the State of Oklahoma.

252:110-15-5. Certification of firms conducting renovation services

(i) **Military personnel and military spouse reciprocity.** As stated in (a) of this section, firms must register with the Department prior to performing or offering to perform renovation services. Military personnel and their spouses applying as a certified renovation firm are exempt from fees associated with firm certification for five (5) years after the issuance date of the certificate they held at the time of their transfer or honorable discharge to the State of Oklahoma.

Questions & Discussion by the Council


- Chapter 110 – Lead-Based Paint Management

Questions & Comments from the Public

- If you wish to make a comment, click the “Raise Hand” feature on your device or use *9 on your telephone keypad.
- If you do not have a microphone on your device, you will need to call 1-346-248-7799 or 1-669-900-6833. Meeting ID: 919 5531 2451 Password: 783876
- The host will identify you by name or the last four digits of your phone number when it is your turn to speak and then unmute your line.
- You may also have to unmute yourself using the microphone symbol or *6 on your telephone keypad.
- You will have 3 minutes to make a comment related to the rule that was just presented.
- You may also email AQDRuleComments@deq.ok.gov if you wish to make a comment but do not wish to speak or are having technical difficulties.

Discussion & Possible Action by the Council

- Chapter 110 – Lead-Based Paint Management

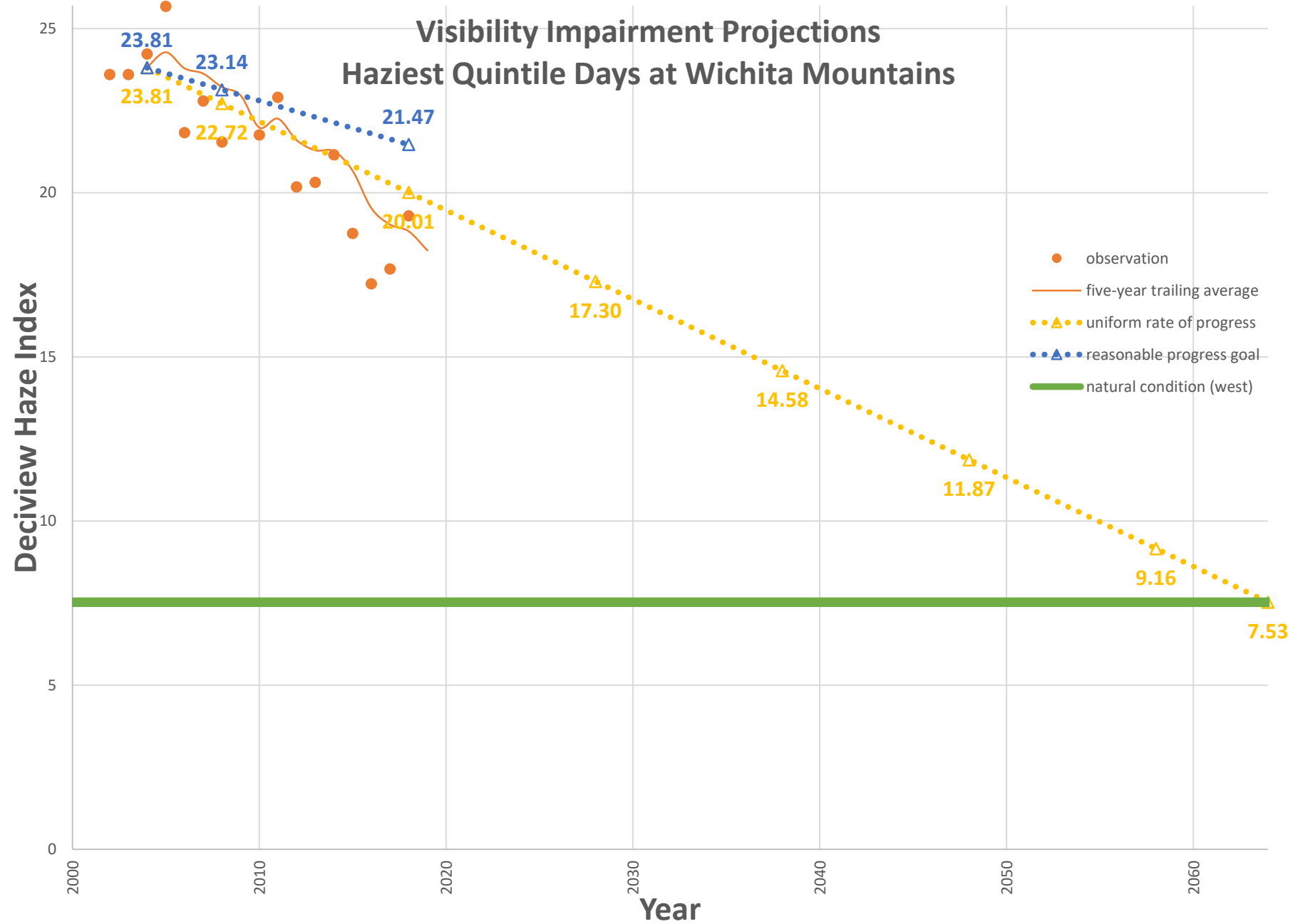
- 
6. **Presentation** – Regional Haze Update – Cooper Garbe, EPS, R&P Section, AQD
 7. **Presentation** – Funding – Finance, Administrative Services Division
 8. **Division Director's Report** – Kendal Stegmann, Division Director
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 10. **Adjournment** – The next regular meeting is scheduled for Wednesday, October 21, 2020, in Oklahoma City, Oklahoma.

Regional Haze SIP Development Update

Presented by Cooper Garbe, DEQ, Air Quality Rules and Planning

Air Quality Advisory Council Meeting

June 17, 2020



Review and background

- At January AQAC we presented:
 - Positive progress toward improving visibility at the WMWA
 - SO₂ reductions means NOx contributes a greater percentage to impairment
 - Source specific analysis and evaluations were to begin
- DEQ must develop a long-term strategy for meeting a “reasonable” progress goal for this planning period (Round 2)
 - Emission control for period ending 2028 must be considered using four factors.

4-factor analysis

- Regulatory requirement to consider:
 - The cost of compliance
 - The time necessary for compliance
 - The energy and non-air quality environmental impacts of compliance
 - The remaining useful life of any potentially affected source
- What sources will DEQ consider:
 - Methodology developed using Ramboll study commissioned by CenSARA

NOx Analysis

Facility	Q/D - NOx		% EWRT*Q/d		
MUSKOGEE GNRTNG STA	19.56164	BART			
SOONER GNRTNG STA	11.98438	BART			
PSO SOUTHWESTERN PWR STA	10.3934	BART			
CHITWOOD GAS PLT	10.20981	→	1.49%	→	4-factor
MAYSVILLE GAS PLT	9.420284	→	1.00%	→	4-factor
BINGER PLT	8.838011	→	2.67%	→	4-factor
LINDSAY BOOSTER STA	8.798333	→	0.93%	→	4-factor
SEMINOLE GNRTNG STA	8.694886	BART			
ALTUS AFB	7.46931	Airport			
HUGO GNRTNG STA	7.181259	→	0.13%		
Frederick Muni	6.858501	Airport			
PSO NORTHEASTERN PWR STA	6.779603	BART			
GRAND RIVER ENGRY CTR	6.599336	→	0.24%		
IP VALLIANT PAPER MILL	6.411024	→	0.12%		
PRYOR CEMENT FACLT	6.027821	→	0.22%		
MUSTANG GNRTNG STA	5.984149	→	0.82%	→	4-factor
CASHION STA	5.602299	→	0.69%	→	4-factor
ADA PLANT	5.247147	→	0.38%		
HORSESHOE LAKE GNRTNG STA	5.233127	→	0.54%	→	4-factor
MUSKOGEE MILL	5.032026	→	0.17%		

SOx Analysis

Facility	Q/D - SO2		% EWRT*Q/d		
KREMLIN	59.45982	→	8.06	→	4-factor
MUSKOGEE GNRTNG STA	53.90887	BART	-		
SOONER GNRTNG STA	46.34065	BART	-		
GRAND RIVER ENGRY CTR	25.78439	→	3.17	→	4-factor
HUGO GNRTNG STA	22.70217	→	3.39	→	4-factor
PSO NORTHEASTERN PWR STA	12.55256	BART	-		
ADA PLANT	12.00789	→	1.43	→	4-factor
CARBON BLACK PRODUCTION FACILITY	10.42704	→	1.18	→	4-factor
MUSKOGEE MILL	5.799093	→	0.410		
COGENERATION PLT	5.120371	→	0.447		

Oklahoma sources for 4-factor analysis

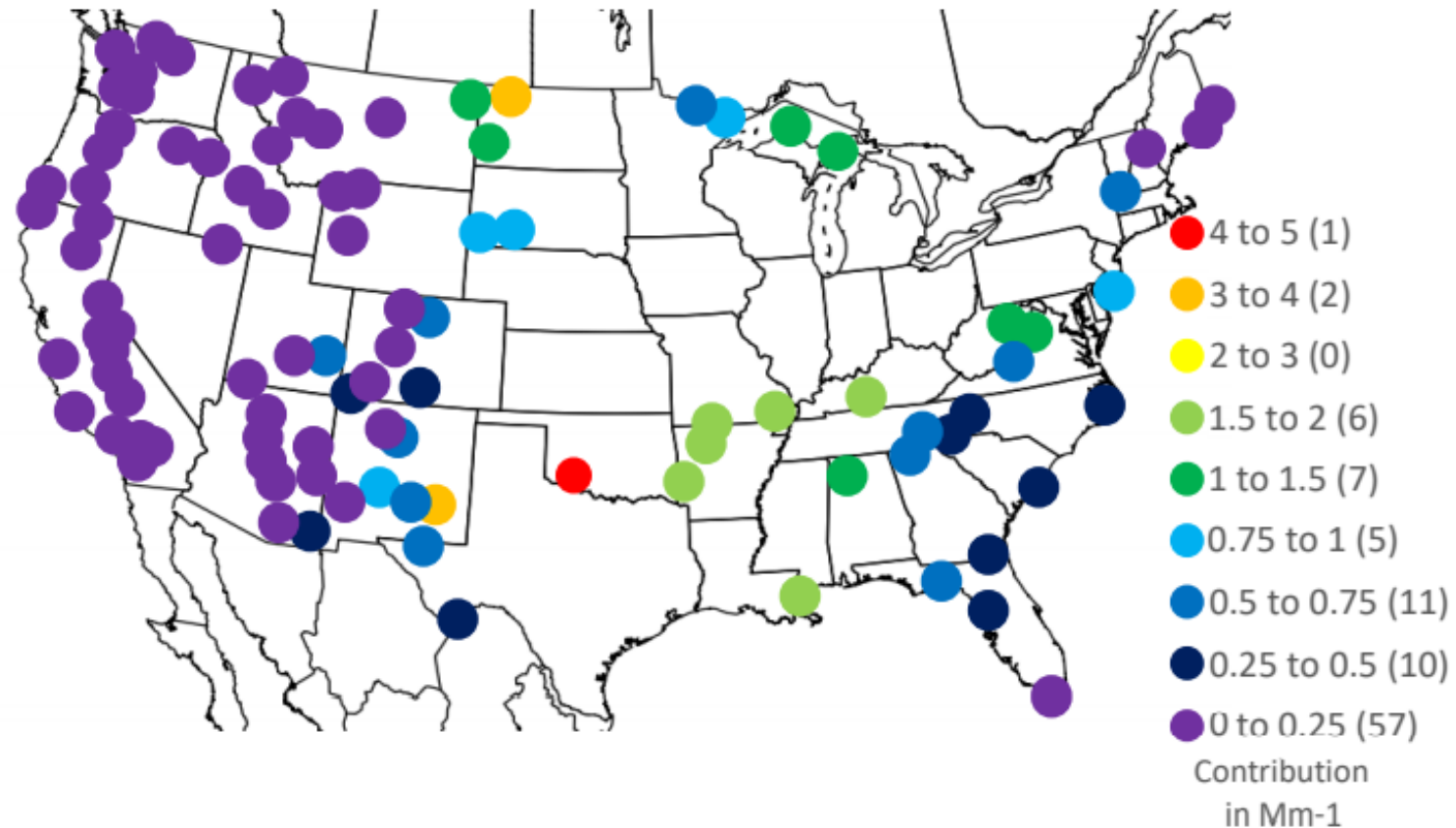
SO_x

- Kremlin
- GRDA
- Hugo PP
- Ada Cement Plant
- Carbon Black - Ponca

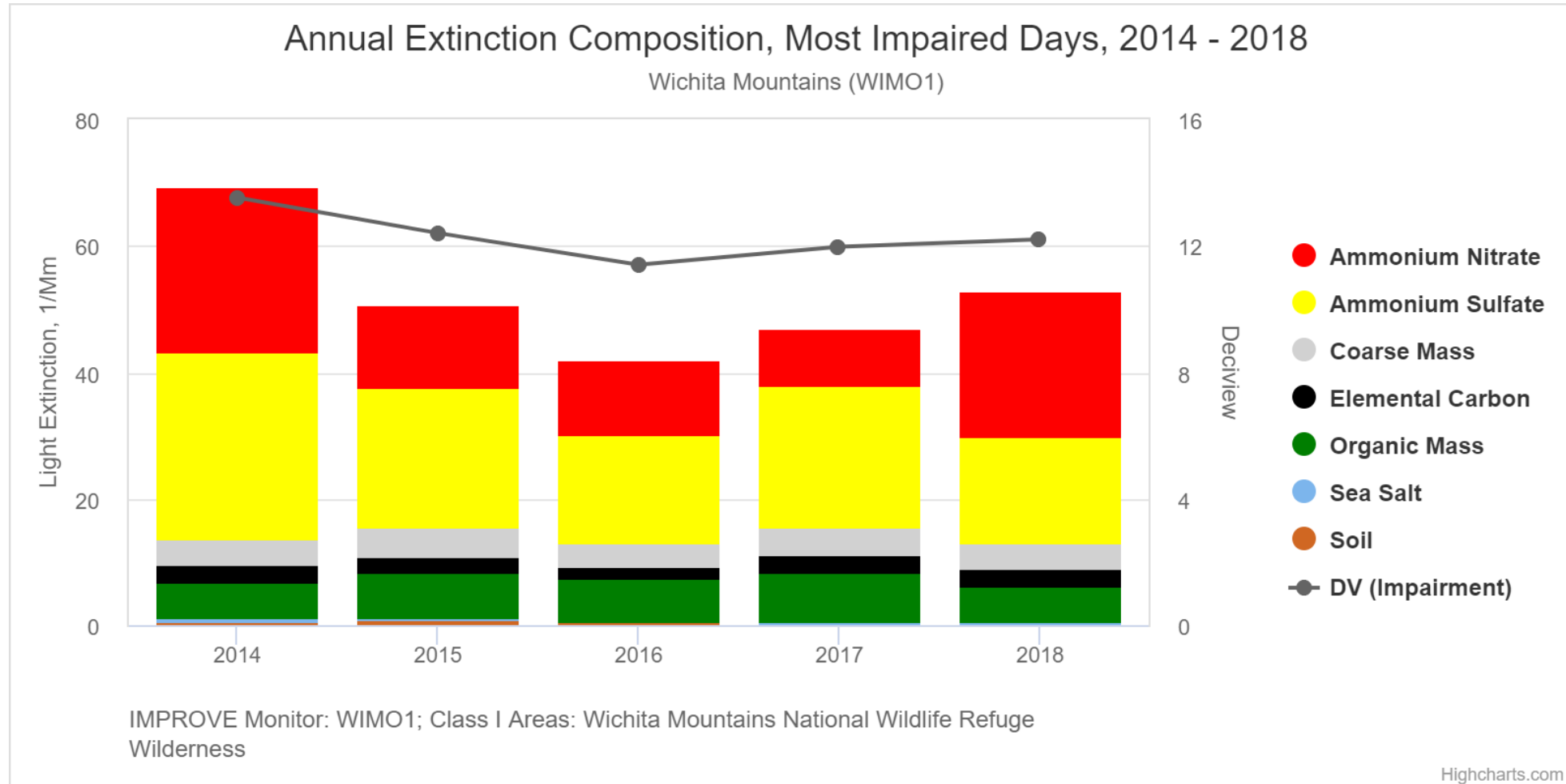
NO_x

- Binger Gas Plant
- Chitwood Gas Plant
- Maysville Gas Plant
- Mustang PP
- Horseshoe Lake PP
- Lindsay Booster Station
- Cashion Station

Modeled 2028 Oil and Gas Visibility Contribution (20% Most Impaired Days) in Mm-1

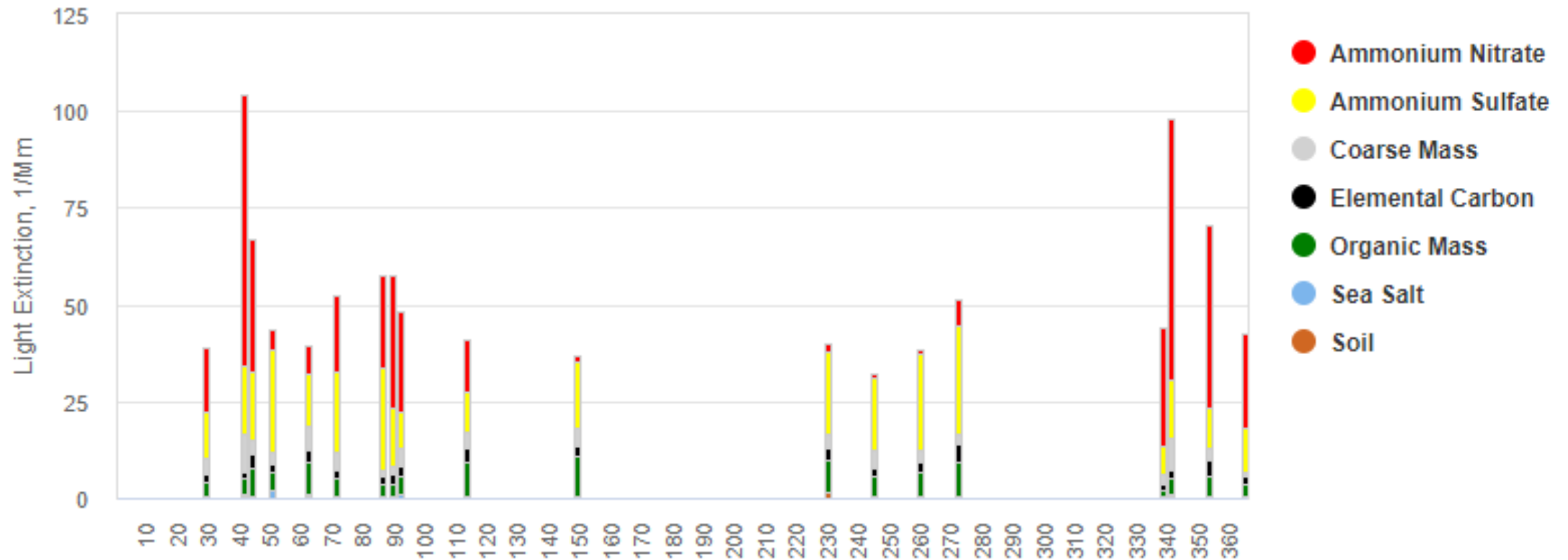


IMPROVE Data



Daily Extinction Composition, Most Impaired Days, 2018

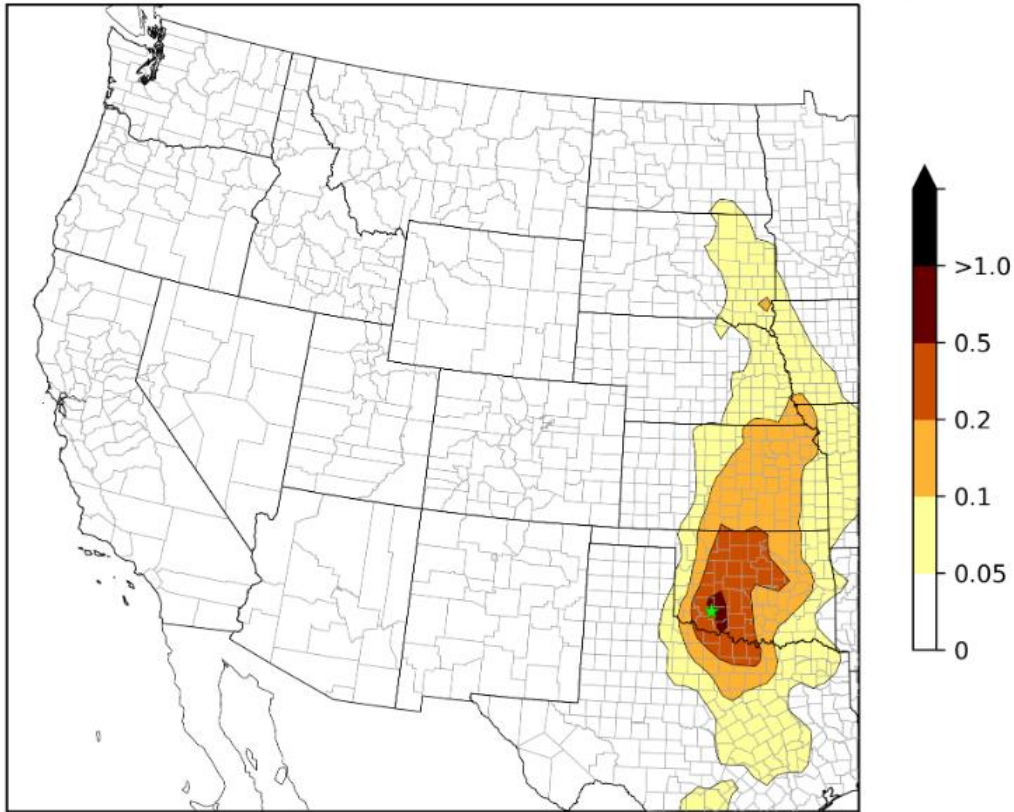
Wichita Mountains (WIMO1)



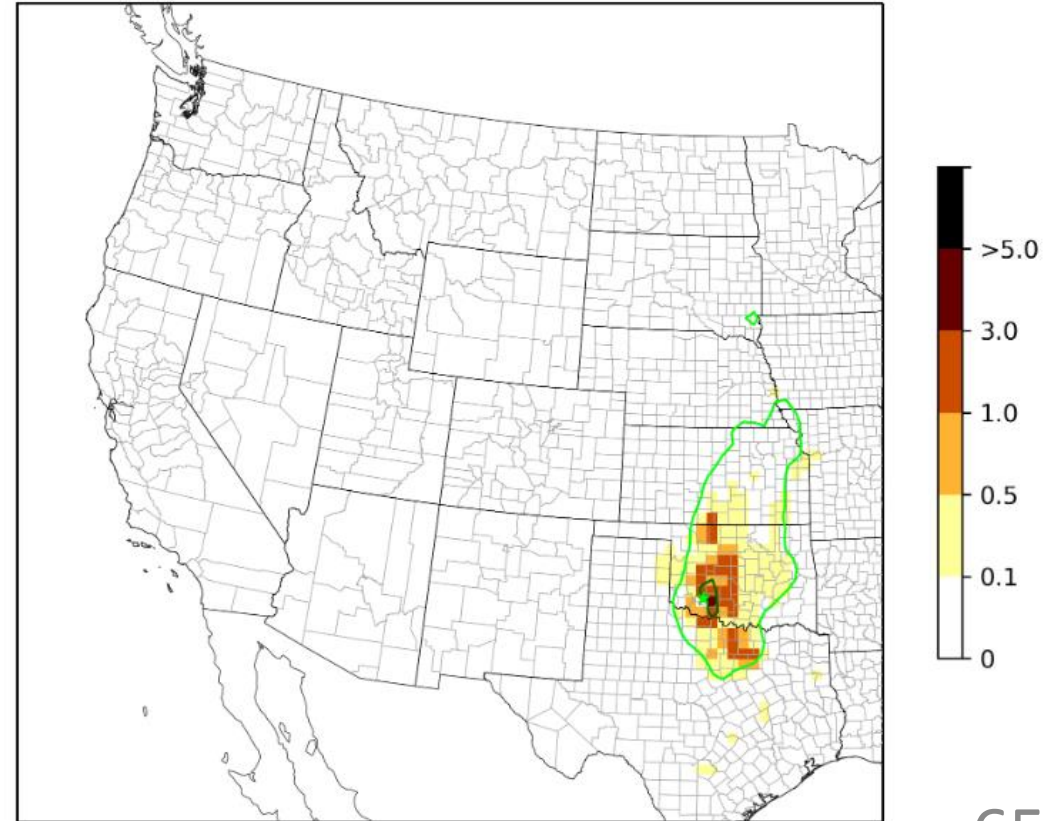
IMPROVE Monitor: WIMO1; Class I Areas: Wichita Mountains National Wildlife Refuge Wilderness

Area of Influence (AOI) Study

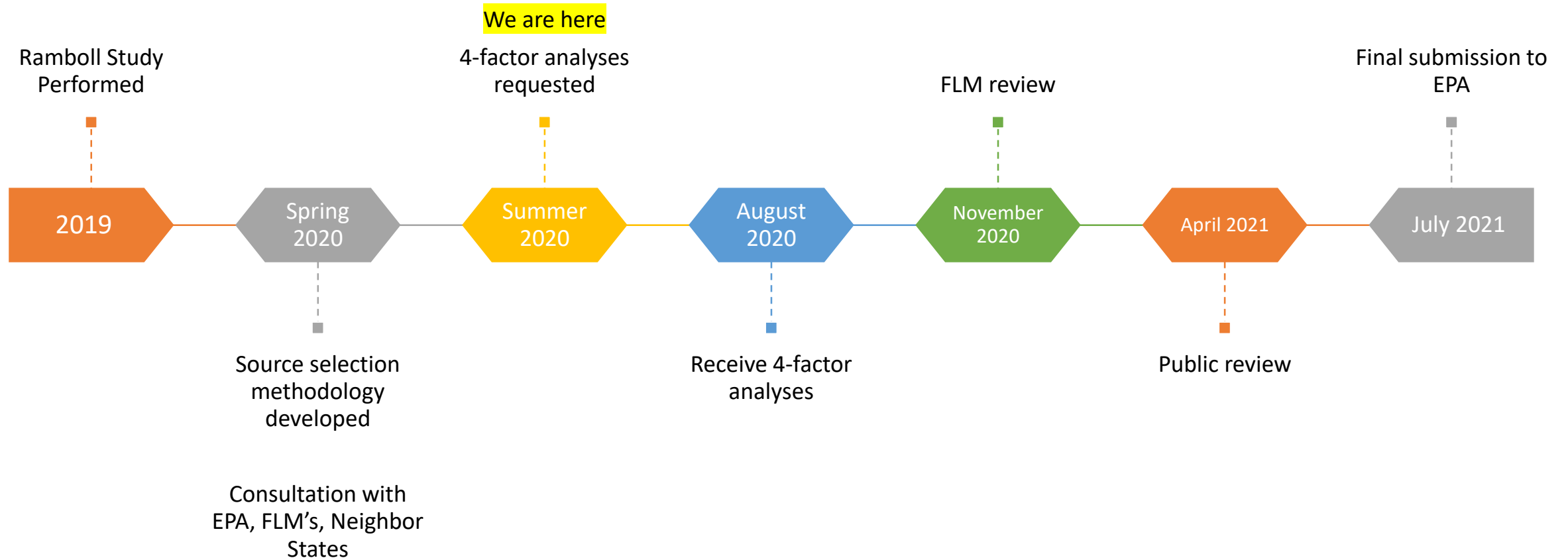
WIMO1 - 20% Most Impaired Days
All Amm_NO3 Extinction Weighted Residence Times (%)



WIMO1 - 20% Most Impaired Days All - EWRT
AREA NOx Emission Weighted Distance (%)




Timeline



Conclusion

- OK DEQ source selection methodology results in 12 facilities requiring a 4-factor analysis (5 for SO_x and 7 for NO_x)
- Further analysis of NO_x contributions to visibility impairment will be necessary.
- NPCA, Sierra Club, *et al.*, filed a petition for reconsideration of EPA's guidance.

- 
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DEQ Air Quality Advisory Council Meeting

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FY 2020 FINANCIAL OVERVIEW

(JULY 1, 2019 TO MAY 31, 2020)

JUNE 17, 2020

KATHY AEBISCHER
CHIEF FINANCIAL OFFICER

FY20 Total Revenues By Fee Source

For the Period July 1, 2019 – May 31, 2020

70

Fee Source	Comparison to Current Year Projections			Comparison to Prior Year Collections			
	FY2020 Projections	Collections Year to Date	Percent of Total Projected Collections	FY2019 Projections	FY2019 Collections (same time period)	Variance FY2019 vs FY2020 Collections	Percent of Total Projected Collections
Nontitle V Operating Fees	\$ 3,038,196	\$ 3,047,610	100.3%	\$ 3,032,464	\$ 3,111,261	\$ (63,651)	102.6%
Title V Operating Fees	5,380,631	5,427,504	100.9%	5,609,021	5,988,171	(560,667)	106.8%
Nontitle V Application Fees	700,000	709,988	101.4%	500,000	1,198,050	(488,063)	239.6%
Title V Application Fees	700,000	593,475	84.8%	800,000	669,800	(76,325)	83.7%
Tire Fees	3,000,000	2,936,322	97.9%	3,000,000	2,878,521	57,801	96.0%
Lead Abatement Certification Fees	35,000	40,523	115.8%	30,000	48,099	(7,576)	160.3%
VW Settlement	6,484,709	3,688,744	56.9%	6,276,745	167,666	3,521,077	2.7%
Total Collected	\$ 19,338,536	\$ 16,444,165	85.0%	\$ 19,248,230	\$ 14,061,569	\$ 2,382,596	73.1%
% Projected Revenue Collected		85.0%			73.1%		
Without VW Settlement	\$ 12,853,827	\$ 12,755,421	99%	\$ 12,971,485	\$ 13,893,903	\$ (1,138,481)	107%

FY20 Budget Versus Actual
All Funding Sources
As of May 31, 2020

71

<u>Expenditure Type</u>	<u>Budget</u>	<u>Expenses</u>	<u>Encumbered</u>	<u>Remaining</u>
Salaries and other Compensation Expenses	\$10,231,489	\$8,753,582	\$875,828	\$602,079
Professional Services	672,728	313,419	395,853	(36,544)
Travel Expenses	85,750	49,200	7,740	28,810
Administrative Expenses	549,459	462,993	185,565	(99,098)
Lab & Monitoring Equipment and Furniture	519,800	303,626	116,050	100,124
Local Governments & Non-Profit Projects and Programs	7,189,613	2,229,796	2,864,130	2,095,687
Total Expenses	\$19,248,839	\$12,112,616	\$4,445,165	\$2,691,058

FY20 Budget Versus Actual

All Funding Sources

As of May 31, 2020

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FUNDING SOURCES	Budget	Expenses	Encumbered	Remaining
20000 Revolving Fund	10,256,738	8,326,592	1,370,460	559,685
40000 Federal Funds	2,553,261	1,725,771	617,224	210,266
40500 Environmental Settlement Fund (Federal)	6,438,840	2,060,252	2,457,481	1,921,107
TOTAL FUNDING SOURCES	19,248,839	12,112,616	4,445,165	2,691,058

FY2021 Fee Projections

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	Projected FY2020	Projected FY2021	Variance
Title V Operating Fees	\$3,038,196	\$3,431,808	\$393,612
Nontitle V Operating Fees	5,380,631	5,422,594	41,963
Title V Application Fees	700,000	700,000	-
Nontitle V Application Fees	700,000	700,000	-
Tire Fees	3,000,000	3,000,000	-
Lead Abatement Certification Fees	35,000	35,000	-
Total Divisional Projected Revenue	\$12,853,827	\$13,289,402	\$435,575

Questions?

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10. **Adjournment** – The next regular meeting is scheduled for Wednesday, October 21, 2020, in Oklahoma City, Oklahoma.

Thank you!

- That concludes the Air Quality Advisory Council meeting.
- If you wish to follow-up with written comments pertaining to the rules proposed during this meeting, please email AQDRuleComments@deq.ok.gov.